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Redevelopment Board Minutes 09/27/2010

Minutes of Monday, September 27, 2010
 Arlington Redevelopment Board
 Second Floor Conference Room, Town Hall Annex
 Approved 10-25-10

Members Present:
 Roland Chaput
 Bruce Fitzsimmons
 Chris Loret, Chairman
 Ed Tsai
 Andrew West

Several members of the public were also present.

The meeting was called to order at 7:08 pm.

The Board began with the continued hearing for an EDR Special Permit for 418 Mass Avenue. Materials considered: Proposed parking layout on Rober Survey, received September 22, 2010. Attorney Frank Reynolds and surveyor Clifford Rober appeared for the applicant. They began by addressing a concern about the parking space apparently blocking the curb cut from Whittemore Street to the parking area. Mr. Rober said that the ten feet remaining once a car was parked in the proposed parking space close to the curb cut would be adequate for another car to pass. Mr. Loret proposed removing the parking space closest to the curbcut and re-orienting the spaces. Mr. West asked if the tree would have to be removed. Mr. Rober thought it would be difficult to keep the tree if the curb cut were moved as Mr. West was suggesting. Discussion ensued over alternative parking layouts that would either maintain the tree or create other landscaped area.

Aram Holman, 12 Whittemore Street provided a letter to Mr. Loret. He asked if the Board was having difficulty sandwiching in seven cars, and commented that there were constraints to accommodating the parking spaces. He asked if eight employees were expected. Mr. Fitzsimmons said it was not relevant to the parking requirements in the bylaw and reviewed the parking requirements. Mr. Holman averred that the Board was here not just for zoning, but to ensure quality of life. Mr. Holman opined that with the apartment dwellers' vehicles, there is a need for nine parking spaces. Mr. Holman asked how many spaces the Board will require the applicant to provide. He objected to the use of grandfathered spaces, saying this was the time to bring the property into zoning compliance. He posited that the grandfathered spaces were of questionable legality, and not good policy. New construction would not get such a break, Mr. Holman noted. The new property owner should get off to the right start with the Town and the neighbors, he concluded.

Mr. Loret asked if the Board felt more parking was required than what the bylaw allows. The Board did not think so.

The Board accepted that some intrusion of parking into the front yard setback would be acceptable provided the tree is not removed.

Mr. Fitzsimmons summarized that the petitioner shall be required to maintain a 5 foot buffer zone so long as the abutter retains a fence in the same location as the current fence, but if the abutter fails to do so, then the applicant shall construct a fence on the boundary line separating the applicant's property from the abutter's property. The applicant shall not remove the tree to create parking and shall not reduce the existing Whittemore Street front yard buffer by any amount.

Mr. Reynolds suggested a condition that if a permit has not been sought for the sign in the Massachusetts Avenue front yard within 60 days after the appeal period concludes, the sign would have to come down.

After further discussion, Mr. Fitzsimmons moved to grant the permit with the following special conditions:

1. the petitioner shall be required to maintain a 5-foot landscaped buffer zone on the rear lot line perpendicular to Whittemore Street. So long as the abutting owner maintains the existing fence in its existing location, however, the petitioner shall not be required to erect a fence. In the event that the abutter's fence is removed then the petitioner shall erect a fence in accordance with the Zoning Bylaw.
2. the petitioner may locate the parking area partially in the Whittemore street front yard setback provided however that the petitioner shall not remove the existing tree or diminish the existing landscaped buffer on Whittemore Street.
3. Petitioner shall remove the existing monument sign on the Massachusetts Avenue yard unless the petitioner seeks approval for a new sign from the planning director within 60 days of the expiration of the appeal period. Mr. West seconded. Approved 5-0-0.

The applicant would provide a final plan showing the parking lot layout concept before the Decision is filed in order to provide a record that the spaces can be accommodated.

The Board then turned to the amendment to the Special Permit for 1398 Mass Ave to change the pylon sign at 1406 Mass Ave docket 3099. Casey Piche and Len Bierbrier appeared for Bierbrier development. Mr. Fitzsimmons asked whether the sign would be illuminated. Mr. Piche replied that it would not be illuminated. Mr. Piche pointed out that they would use the same base for the sign as exists now. He said the new sign would match some colors of both buildings to unite the two retail centers. Ms. Kowalski responded to a question by the Board to clarify that they may approve a sign greater than the bylaw allows since the signage was approved through a Special Permit. Mr. Fitzsimmons added that the size cannot exceed by a factor of 4 times the linear feet of the front façade. Mr. Loret commented that said size maximum was meant for wall signs, and pylon signs should not use that formula.

Mr. Piche addressed the question of the whether the sign base had been used as a planter and whether it should continue to be so used. Mr. Piche said that the concrete would "ring" the top of the stone base, but that it would not be planted, as plant material might not survive, or if it did survive, it could grow to block the sign. He also addressed the extra sign spaces for businesses that aren't present, saying they anticipate future businesses needing sign space. Mr. Piche commented in response to Mr. Chaput's question about lighting, saying that there was sufficient lighting in the area for the sign to be seen. Mr. Chaput commented that eastbound traffic has difficulty rounding the sharp curb to access the parking. Mr. Bierbrier announced that in the next two weeks a silver certificate for LEED would be conferred for the new building.

Mr. Loret asked if displaying the street addresses was necessary on the sign. Mr. Piche said that the architect designed it intentionally to balance the design.

Mr. West moved to amend the Special Permit for 1398 – 1406 Mass Avenue as presented, without illumination. Mr. Fitzsimmons seconded. The Board approved 5-0-0.

Mr. Loreti announced that due to the large number of attendees for the 30-50 Mill Street hearing, the meeting would move to the Selectmen's Hearing Room. Mr. Chaput moved to recess to the Selectmen's Hearing Room. Mr. Fitzsimmons seconded. The motion was approved 5-0-0. Once assembled in the Selectmen's Hearing Room, Mr. Loreti resumed the meeting and thanked the attendees for coming. He explained that tonight's hearing would focus on traffic, parking and circulation issues. He said he would let the applicant present their traffic study and would then ask how many members of the public wished to comment. He said he would then take the public's comments, before taking Board comment, if there were a great many of the public who wished to speak.

Mary Winstanley O'Connor then introduced herself and Rick Dickason and Adelaide Grady of WP East, and Brian Williams and Chris Poles of Cube 3, and Bill Scully of New England Engineering.

Ms. O'Connor then began her presentation by addressing a number of issues arising from the updated EDR Report. She presented additional copies of the letter from the structural engineer regarding the culvert bridge. Ms. Winstanley O'Connor noted that at a Development Review Team meeting held by Ms. Kowalski, Chief Jefferson wanted ingress only for the driveway. The Zoning Board of Appeals had concerns and asked for egress only. Attorney McDermott representing the condo owners at 22 Mill Street had previously distributed a letter, Ms. Winstanley O'Connor recapped. Ms. Winstanley O'Connor commented on the EDR report and the amount of parking. Wood Partners is requesting about 12 additional parking spaces. She said the report cited that the zoning bylaw says that the "applicant" shall have the opportunity to reduce the number of spaces, not the Board, citing section 8.12 c. The applicant is not requesting a reduction in parking.

Mr. Loreti asked to clarify the ingress or egress question on the drive, specifically whether the ZBA Decision specifies egress only as a condition of the variance. Mr. Loreti asked if Ms. Winstanley O'Connor could point it out in the ZBA Decision since he could not find it. Mr. Scully of New England Engineering Group, then introduced himself in greater detail and presented a comprehensive slide presentation of his Traffic Impact Assessment for the Wood Partners proposal.

Following Mr. Scully's presentation, the ARB Chairman asked how many members of the public wished to comment, and then proceeded with public comment first before Board comment.

Kara Madden, 71 Cutter Hill Road commented that her family no longer crosses on Mill Street because of the traffic. She further commented on the danger of cut-through traffic on Water Street. She further commented on High School traffic, noting the student population increased 6%. The kindergartner population will double the student population when this age group reaches the High School. The Bishop School district has many students coming from the north side of Mass Ave, Ms. Madden added. She observed there is more traffic on Cutter Hill Road since traffic crossing guards were cut. She herself was taken away in an ambulance from the Jason Street and Mill Street intersection. She commented that Mr. Scully said certain traffic issues were unrelated to the WP East proposal. Ms. Madden disagreed, saying that, "if you're putting more cars on road, it's related". She asked for more assurance that we will not see cut-through traffic on Cutter Hill Road, which was not built for such traffic.

Scott Smith identified himself as a member of the Transportation Advisory Committee (TAC), and the Arlington Bicycle Advisory Committee (ABAC). Mr. Smith said he thought the presentation and traffic study were on the right track for traffic visibility. Mr. Smith noted that a modest horizontal deflection to accommodate bikes with trailers might be appropriate for slowing bicycle traffic on the Minuteman Trail near the Mill Street intersection, but cautioned that some space, possibly beyond the existing right-of-way, would be required. ~He also noted the need to maintain good visibility at points where pedestrians enter the Minuteman Trail. He added that the Minuteman Path user's challenge is cars coming fast off Summer Street. If there is a direct connection to the trail, be sure there is good visibility, he urged. He asked the Board to "unbundle" the parking, which means that unit owners would pay extra to lease a parking space; a space would not be included by virtue of leasing a unit. Mr. Smith pressed the proponent to enhance the bus station on Mill Street to make it more attractive for transit.

Marty Vreeland, 42 Richfield Street asked how many days of observations Mr. Scully conducted. Mr. Scully replied that 3-4 days were done for the driveway. The mechanical count was for a different period in May for 24 hours and bike counts were done in June. Ms. Vreeland asked what the peak 60-minute period was. Mr. Scully replied 7-9am and 4-6pm were peak times. We noticed 5pm as peak, and in am 7:30 to 8:30am, Mr. Scully added. It is not unusual to wait for 5-6 light cycles on Mill Street in the morning, she said. What are the Brighams numbers based on? Mr. Scully replied that they assumed that 10% of existing building was occupied. Ms. Vreeland asked if the medical use data included employees and providers and whether consideration was given to not allowing parking on Mill Street, since the auto parts truck blocks traffic for two hours in the morning.

Dr. Bill Flynn, former chief of surgery, Mt. Auburn Associates, said the medical office wanted to impress upon the Board that the viability of the business depends on parking. He underscored the strong support of the board for the letter circulated.

Kathy Keefe, part owner of Holovak & Coughlin sporting goods said her immediate concern was 22 Mill Street parking, which already overflows into Holovak and Coughlin parking. She said currently they don't tow, but additional parking pressure will impinge on their business, as customers complain now that they have to circle several times to park. Emergency vehicles often come to the medical building and the residential development 4-5 times per week and to the residential buildings 3-4 times per day. She is concerned about an increase in vehicle accidents and pedestrian accidents. Upon questioning from a Board member, she clarified that people who can't find spaces for appointments at 22 Mill Street park in the Holovak & Coughlin spaces on Mill Brook Drive. She said they had blueprints showing that these spaces were for Holovak & Coughlin. Mr. Loreti said that the Board would indeed be interested in seeing these.

Peter Hedlund, 10 Central Street commented that in general, redevelopment at this location was a good idea. He said that the proposed sidewalk in the drive between 22 Mill Street and Shattuck's as proposed is a good idea. The Town park is a little forgotten, he observed, with burnt out lights and benches, a joint venture to revive this park would be good. Connections to the bikepath, and bike parking should be provided. Mr. Hedlund asked what type of retail was proposed, and whether it would be a 7- 11 store. Mr. Dickason replied that it was too small.

Dr. Michael Fitzpatrick, condominium owner at 22 Mill Street asked a number of questions pursuant to a letter he had previously submitted to the Board. He asked where the entry would be for the construction site. Mr. Dickason responded that they had not yet determined how to stage the construction. Dr. Fitzpatrick asked whether any of their 90 feet of road frontage on Mill Street was planned for use as a construction entry. Mr. Dickason said no. Dr. Fitzpatrick said the proponent's structural engineer wrote that the bridge over mill brook is fine, but doesn't say how it will be after construction vehicles go over it. Any problems with the bridge would deny 22 Mill Street unit owners access to their own parking.

Regarding the traffic study, Dr. Fitzpatrick asked what traffic would be like during the construction phase, and how long construction would be. Mr. Dickason replied that it would be 12 to 14 months of construction. Dr. Fitzpatrick asked whether the traffic study was estimated for this period. Mr. Dickason replied no. Dr. Fitzpatrick asked why that would not be done, as that is more immediate. He added that they would need to determine access to the High School, to 22 Mill, and to Holovak Coughlin. Mr. Scully commented that typically that isn't done at this stage. A construction impact study is not done; rather a traffic management plan is prepared. They would have to maintain safe routes for pedestrians and vehicles and work it into the construction plans.

Dr. Fitzpatrick further commented that if one stands on Mill Street currently, one sees one repair segment after another in a 200 yard stretch. During this construction period, he asked whether there was any plan to renovate or repave after the construction is done. He said he was concerned about gas and water main breaks over recent years and the workers telling him that the mains have been patched and that they wanted to see the mains replaced. Mr. Dickason said replacing the mains is not in this project.

Dr. Fitzpatrick then asked if the Mill Brook Drive bridge becomes damaged, it would deny owners access to their property, and who would pay for that. Mr. Dickason said that it was in their best interest to keep that bridge functional aesthetically and structurally. Dr. Fitzpatrick said that the structural engineer's letter refers to current use. Dr.

Fitzpatrick observed that not included in the study was the intersection of Water Street. Dr. Fitzpatrick observed 996 car uses per day was the projected increase. If you divide that figure by 24 hours in the day, it yields 38 cars per hour. Mr. Scully reviewed the projections and their basis.

Dr. Fitzpatrick asked whether handicapped access to 22 Mill and delivery access to 22 Mill Street was considered in their traffic flow, since handicap access is within 20 feet of the curb currently. They didn't look at that specifically, was the reply. Dr. Fitzpatrick commented that since the drop-off is 60 feet from the corner, if everyone is trying to use the handicap access and make deliveries, everyone will be blocked out of the proponent's property. Mr. Dickason said they looked at the possibility of creating a handicap ramp further down Mill Street if two trees were removed. Mr. Scully said that it was an existing condition, not one created by the proposed development.

Dr. Fitzpatrick's final comment was regarding egress only on the access drive. If it is in fact a fire lane, it would be more advantageous to let the fire trucks get in to the fire, more logically.

Gregory Dignan, president of the 22 Mill Street condominium association next spoke. He asked that they time the entrance vs. exit in the access drive, for example, after 4pm, residents would know whether it's egress or ingress only.

Mr. Loreti asked Jeff Maxtutis and Ed Starr of the Transportation Advisory Committee (TAC) whether they planned on reviewing and reporting to ARB. Mr. Maxtutis said that a working group would meet to review the report. They need time to review and digest the findings and write their recommendations to the ABR. It would be discussed at a TAC meeting on October 13, and they would then get it to the Board before the ARB's October 25 meeting.

Mr. Loreti then asked the Board whether an outside traffic consultant was desired. Mr. West said he looked forward to TAC's report on the one-way only issue. Mr. West recommended taking TAC's advice on whether and what type of back-up the Board needs on numbers or strategic advice. Mr. Loreti said his personal sense was that more value came from TAC than outside consultants in the last ARB large project review. Mr. Loreti asked if the TAC members felt their analysis would constitute an outside peer review. Mr. Maxtutis said that he was confident they could review the issues, but if they felt they needed back-up TAC would let the Board know. Mr. Fitzsimmons said he knew that many TAC members have the same background as Mr. Scully has. He asked TAC members to let the ARB know if they needed outside assistance. Mr. Maxtutis said they have the expertise, but not always the time. Mr. Chaput said he reviewed the study and was impressed with Mr. Scully's presentation. An outside consultant would come up with the same. If TAC comes up with a recommendation, the Board should follow it.

Mr. Starr invited a member of the ARB to the October 13 meeting. Mr. Loreti said that a member would attend. Mr. Maxtutis asked for a copy of the power point presentation and two copies of the revised Traffic Study. Mr. Loreti said that the ARB would compile questions for TAC at the next meeting. Ms. Winstanley O'Connor asked for them to be forwarded to WP East as well. Mr. West noted that only one of the recommendations is presented as being done by the developer, the Transportation Demand Management. Mr. West noted that all the other recommendations are not being provided by the developer. West asked TAC to consider evaluating and prioritizing those recommendations. He also asked that TAC advise on services and emergency vehicles.

Mr. Loreti then turned to Ms. Winstanley O'Connor regarding the ZBA Decision question from the beginning of the meeting. Ms. Winstanley O'Connor found on page five second to last paragraph saying that the drive would be egress only. It was observed that this was not in the conditions. Discussion ensued on this point.

Mr. Loreti asked if the applicants would be willing to come back for the October 4th meeting to go over the issues from the September 13 meeting. Pedestrian and bicycle circulation on the site itself, retail, pocket park. The hearing was then continued to Monday, October 4, 7PM.

The Board then turned to a Symmes update. Ms. Kowalski reported that she was waiting on dates that James Duncan would confirm for meeting with developers in Arlington. Mr. Fitzsimmons commented that it's not up to the group who will meet with the developers to decide which developer will buy the site from JPI. Mr. Loreti summarized a conference call with Jonathan Book regarding Mr. Book's May 2010 memorandum. Mr. West recalled Kevin O'Brien's earlier, similar memo on the subject. Mr. Loreti advised that the Board see what the developers present to the Town.

Mr. Fitzsimmons reported on his conversation with Town Counsel regarding ARB authority to lease or hold property on non-urban renewal projects. He reported that the Town Manager Act doesn't explicitly allow the ARB to receive property even if Town Meeting conveys it. This is paradoxical, since the Board that is now most qualified to hold buildings cannot do so, he commented. It may be worth amending the Town Manager Act to allow this. He thought Town Counsel was right, but he considered it an odd outcome. Mr. Loreti asked about the last sentence in Town Counsel's September 15, 2010 memorandum, which seemed to allow the ARB to manage property when authorized by a vote of Town Meeting. The Board will need to check on procedure to amend the Town Manager Act. Mr. Loreti questioned if the leases executed by the Redevelopment Board for other than urban renewal projects are void.

The Board then turned to the minutes of September 13 meeting. After discussion, Mr. Chaput moved to approve the minutes as amended. Mr. Fitzsimmons seconded and all voted in favor.

The meeting was then adjourned unanimously at 10:46pm on a motion by Mr. Chaput, seconded by Loreti.

Respectfully submitted,
Carol Kowalski
Secretary ex Officio